

78. (New) The method of claim 70, wherein the placing the second member includes placing the second member so as to alter a position of at least one papillary muscle of the heart chamber.

79. (New) The method of claim 70, wherein the placing the first member includes placing an elongate member transverse the heart chamber and through a wall surrounding the heart chamber at substantially opposite locations on the heart wall.

### REMARKS

By this Amendment, Applicants add new claims 70-79. Therefore claims 18-79 currently are pending in this application.

In an Office Action dated December 24, 2002, the Examiner required a restriction between one of the following allegedly patentably distinct claim groups:

Group I: Claims 18-30 and 45-69, drawn to a method of treating a heart valve;  
and

Group II: Claims 31-44, drawn to a device for treating an *in situ* heart valve.

In addition to the restriction requirement, the Examiner also required an election of one of each of the following allegedly patentably distinct species of "Basal Anchors," "Secondary Anchors," and "Configurations":

#### Basal Anchors

Species Ia: Fig. 12;

Species 1b: Fig. 4, 6, and 13;

Species Ic: Fig. 14;

Species Id: Figs. 15 and 16;

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Species Ie: Fig. 17; and

Species If: Fig. 18.

Secondary Anchors

Species IIa: Fig. 19;

Species IIb: Fig. 20; and

Species IIc: Fig. 21.

Configurations

Species IIIa: Figs. 7 and 11;

Species IIIb: Fig. 8;

Species IIIc: Fig. 9; and

Species IIId: Fig. 10.

In addition to electing one species from each of the three categories above, the Examiner required a listing of the claims "readable on" the elected species.

Applicants do not agree with the various characterizations and assertions regarding Applicants' claims and the allegedly patentably distinct claim groups and species set forth in the Office Action. Nonetheless, Applicants provisionally elect to prosecute Group I and Species Ie, IIc, and IIIc. Applicants submit that claims 18-30 and 45-79 are "readable on" the elected claim group and species. Further, Applicants respectfully submit that at least claims 18-29 and 45-55 are generic to all of the identified species.

Applicants respectfully request examination of claims 18-30 and 45-79.

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Please grant any extensions of time required to enter this response and charge any additional required fees to our deposit account 06-0916.

Respectfully submitted,

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